

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ROGER WAYNE HAVENS

PLAINTIFF

V.

CIVIL ACTION NO. 3:19-CV-870-KHJ-LGI

CENTRAL MISSISSIPPI
CORRECTIONAL FACILITY, et al.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge LaKeysha Greer Isaac. [104]. That Report recommends that Defendant Alvin Washington's Motion for Summary Judgment [96] be granted. Written objections to the Report were due by June 24, 2022. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636.

When no party has objected to a magistrate judge's report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). In such cases, the Court can apply the clearly erroneous, abuse of discretion, and contrary to law standards of review. *See United States v. Brigham*, 569 F.3d 220, 228 (5th Cir. 2009) (citation omitted).

Plaintiff Roger Wayne Havens brought this § 1983 claim, alleging several constitutional and other violations against multiple Defendants. Compl. [1]. Havens' Eighth Amendment excess force claim against Defendant Alvin Washington is all that remains. Haven alleges that Washington verbally abused,

choked, and dumped him from his wheelchair when seeking medical treatment on June 21, 2018. [104] at 2. Washington moved for summary judgment on qualified immunity grounds. [96]. Havens failed to respond to the motion despite receiving additional time to do so since his release from custody. [104] at 8. In fact, Havens has not communicated with the Court in several months. *See* Not. of Change of Address [98]. After considering the evidence, the Magistrate Judge found that Havens failed to show a genuine issue of material fact exists that would support a claim that Washington violated the Eighth Amendment's prohibition against the use of excessive force. [104] at 9. Based on this, the Magistrate Judge recommends that the Court grant Washington's Motion for Summary Judgment. [96].

Havens did not object to the Recommendation, and his time to do so has passed. The Court finds the Report and Recommendation is not clearly erroneous or contrary to law. The Court adopts the Report and Recommendation as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [104] of United States Magistrate Judge LaKeysha Greer Isaac, entered in this cause should be, and the same is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Defendant's Motion to for Summary Judgment [96] is GRANTED, and this case is DISMISSED.

SO ORDERED AND ADJUDGED this the 7th day of July, 2022.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE